UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/46/584
S/23156
21 October 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 45
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-sixth year

Letter dated 21 October 1991 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the letter addressed to you by His Excellency Mr. I. Safa Giray, Minister for Foreign Affairs of the Republic of Turkey, which, in the light of the Government of Turkey's position on Cyprus, clarifies various elements of resolution 716 (1991) adopted by the Security Council on 11 October 1991 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) Mustafa AKSIN
Ambassador
Permanent Representative

ANNEX

Letter dated 21 October 1991 from the Minister for Foreign Affairs of Turkey to the Secretary-General

Following the adoption of Security Council resolution 716 (1991), I wish to reaffirm the Turkish Government's position on Cyprus and to clarify in this light our understanding of the various elements in that resolution.

Concerning resolution 716 (1991) you will understand that we have certain well-founded reservations and objections emanating from our long-standing views on Cyprus and our status as a guarantor Power. Similarly, we also find elements in resolution 716 (1991) that are positive. I wish to put these on record with a view to bringing into proper perspective the dimensions of the solution being sought under the good offices mission of the Secretary-General. It is on this basis that our contributions are made to the search for a freely negotiated and mutually acceptable settlement between the two parties in the island.

First of all, we wish to believe that in adopting a new resolution on Cyprus at this stage, it was not the intention of the Council to drift back from the basis it had established in resolution 649 (1990), and that resolution 716 (1991), in general, is a reiteration, and certainly not a contradiction, of the basic principles and concepts, including bicommunality, bizonality and political equality, on which an agreement should be built.

We take note of the fact that the political equality of the two communities has for the first time been unequivocally recognized and affirmed in a Security Council resolution, not only at the negotiating table, but also as a founding principle of a new partnership in Cyprus.

We also note that the Security Council has reaffirmed that the good offices mission of the Secretary-General is with the two communities. This is a point of paramount importance. The two leaders are negotiating from a status of equality on behalf of their respective communities over and above whom there is no joint political authority. It is, therefore, misleading and a serious contradiction to attempt to introduce titles which have no place in these efforts. We wish to underline that a process with the two communities signals the heightened need for direct contacts between the two parties in the island. There can be no justification to evade this need.

We further note that the Security Council has pronounced itself favourably on the Turkish proposal for a quadripartite high-level meeting by considering it as an effective mechanism for concluding an overall framework agreement on Cyprus. As clarified by the Secretary-General's report, the parties have agreed that the preparation of an agreement should be essentially completed to the satisfaction of both sides before such a high-level meeting can be convened. Therefore, what really matters is not arbitrary deadlines, but a voluntary agreement between the two parties in Cyprus, which the two

leaders can sincerely adhere to and present in good conscience to their respective communities for approval through separate referenda.

The reference to the well-being and security of the two communities is also significant.

Resolution 716 (1991) contains, on the other hand, elements which require clarification to preclude any misinterpretation of its provisions.

Turkey has given consistent and sincere support to the Secretary-General's mission of good offices, as acknowledged in his reports to the Security Council, including the latest report dated 8 October 1991. This being the clear fact, we cannot but take exception to certain characterizations and portrayals in this report that are not compatible with the mission of good offices and that do not reflect the factual situation. We have, therefore, already indicated our reaction to such elements in the report through an official statement on 9 October 1991. To recapitulate, our objections centre around the following three main points:

First, the Turkish Cypriot and Greek Cypriot leaders have been attributed different and discriminatory titles contrary to the accepted and established basis that they are negotiating on an equal footing. This is inconsistant and in contradiction with the terms of the mission of good offices.

Second, sovereignty, independence and territorial integrity of Cyprus are attributed to a "republic" which does not exist as a bicommunally joint political authority for the past 28 years, but denotes the Greek Cypriot administration in south Cyprus, which has been unlawfully usurping titles that do not belong to it. Such an approach is in deep conflict with the bicommunal basis of the independence of the island emanating from the 1960 agreements, as well as with the objective of a new joint, bicommunal, bizonal federal state. Turkey and the Turkish Cypriot side have never accepted illegitimate claims of Greek sovereignty over Cyprus or one state under Greek domination in the island. This is not how a new joint state and a joint administration can be created in Cyprus.

Third, the authors of the report claim that,

(a) a new concept has been introduced,

(b) which alters the nature of the envisaged solution.

This claim is not factual on both accounts. The concepts and principles defended by the Turkish Cypriot side are precisely the same as those when Cyprus became a bicommunally independent state and the same as those they have stood for in the past 28 years. In Cyprus, neither community has or can legitimately claim sovereignty over the other. That is, in Cyprus sovereignty emanates equally from the two communities. It is not under the monopoly of one side or the other and there is no joint political authority competent to exercise sovereignty over the entire island. The legal basis on which the two

sides must approach the negotiations is that of equality of status and in particular the possession of sovereignty in equal degree. This will not alter the nature of the envisaged solution. On the contrary, it has long been agreed that the eventual division of powers between the federal government and the government of the two federated republics will not represent a grant of powers by the federal government to the federated republics, nor will it involve any grant of powers by the Greek Cypriot community to the Turkish Cypriot community. The agreed basis is a federal solution, which rests upon and acknowledges that the delegation of powers is by the two communities and their federated republics to the federal government and that any and all residual powers shall rest with the two federated republics.

With respect to paragraph 2 of resolution 716 (1991), we wish to draw attention to our positions as already expressed on each previous Security Council resolution on Cyprus. There is an objective distinction between resolution 649 (1990) and others in terms of their relevance to a fair and freely negotiated settlement.

The reference to the "Republic of Cyprus" in paragraph 3 is out of context in terms of a Cyprus settlement for which no benefit can be derived from the use of such contentious nomenclature. We understand that the intention in this paragraph is to look forward and not to describe a fictional status quo, but the fact that the Greek Cypriot community in South Cyprus has continued to claim to be operating under this usurped title precludes its use to describe the features of a federal state to be established in the future. The Government of Turkey has never recognized exclusive Greek Cypriot sovereignty over Cyprus nor the existence of one state under such sovereignty. Our position on sovereignty and its sources in Cyprus are on record.

A brief comment is called for on "the establishment of a new constitutional arrangement for Cyprus" in view of certain misleading interpretations originating from the Greek Cypriot side purporting that a solution will emerge through the "amendment of the constitution". This misrepresentation debilitates all efforts for a settlement. Because the Greek Cypriot side has so completely destroyed the 1960 constitutional order, the world knows that the present situation is beyond repair and the objective is to negotiate a new partnership and a new joint constitutional order along federal lines with safeguards that will not transform the political dispute between the two sides into an active conflict once again.

The term "one State of Cyprus" in paragraph 4 is a reference to the federal solution being sought and pertains to the future when the two constituent entities will create a joint state and a joint government in federal form. It should be clear that this terminology cannot be abused to claim the existence of one state at present or to distort the nature of the settlement as anything but a federal solution.

We understand paragraph 5 as an expression of the need for the two sides to adhere to the established parameters of a settlement in Cyprus, which is a

constant concern of the Turkish Cypriot side in view of the arbitrary Greek Cypriot claims designed to distort both the nature of the problem in Cyprus and the political solution required to resolve this problem. The Turkish Cypriot side is striving to protect and preserve its legitimate rights and interests that date back to the birth of an independent state on the bicommunal island of Cyprus through international and bicommunal agreements. These rights and interests, despite the tribulations of the past 28 years, remain sacrosanct and outside the realm of arbitrary interpretations or restrictions.

The Security Council has noted with satisfaction the progress made in preparing a set of ideas as a basis for arriving at an agreed overall framework agreement on Cyprus. Clearly, we owe this progress to the constructive inputs of the Turkish Cypriots as only they have been engaged in substantial contacts and discussions with the United Nations Secretariat over the past year. But in the present circumstances and in view of the deep differences that persist, if any further progress is to be made, we consider it essential that the Turkish Cypriot and Greek Cypriot sides begin direct discussions with the purpose of ascertaining for themselves the points of coincidence as well as narrowing down the differences that remain.

We intend to maintain our constructive stand. It goes without saying, however, that following the elections in Turkey, the new Government will review the situation and chart its own course in Cyprus. I am sure that the outcome of direct talks between the two peoples of the island will to a large extent determine what further contributions Turkey can make towards a settlement in Cyprus.

Past experience invariably tells us that imposing artificial deadlines in Cyprus is counter-productive. While we agree that we must set certain goals, imposed calendars cannot and should not be allowed to take precedence over the vital necessity to permit the negotiating parties to do so freely and in an atmosphere of confidence, untainted by outside pressures and interventions. Otherwise, the outcome would be unhealthy and invite more problems than it solves.

Our understanding of paragraph 10 is based on our perception of the Secretary-General's mission of good offices. That mission is the only procedure accepted by the two parties. The reason for this is that it is the sole method that is based on respect for the principle of equality and one that gives the two parties the opportunity to search for a solution with their own free will, which no one can override or disregard. The Government of Turkey can therefore only concur with any action that is consistent with and supportive of the mission of good offices.

Our principal concern at this stage is that the new Security Council resolution will be abused by the Greek Cypriot side as a pretext for persisting in their intransigent claims and for making attempts to distort the essence of the solution being sought in Cyprus. The period ahead requires utmost fairness and impartiality from all concerned. To the extent these

essentials are restored in the search for a fair and durable settlement in Cyprus, Turkey will do its share and continue to support the Turkish Cypriot side in its quest for the same objective. The constructive stand of Turkey is on record.

I. Safa GIRAY
Minister for Foreign Affairs
of Turkey

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/585
22 October 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 145

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Letter dated 17 October 1991 from the Permanent Representative of Barbados to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the attached text of a statement, issued on 7 October 1991 by the Standing Committee of Ministers for Foreign Affairs of the Caribbean Community on developments in Haiti (see annex).

I would be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-sixth session of the General Assembly under agenda item 145.

(Signed) E. Besley MAYCOCK
Ambassador
Permanent Representative

ANNEX

Statement by CARICOM Foreign Ministers on developments in Haiti

CARICOM Foreign Ministers, at their consultative session in New York on 7 October 1991, strongly reiterated the recent clear and unambiguous call of the Caribbean Community expressed by the Chairman of CARICOM for the immediate restoration of the duly constituted Government of Haiti under President Jean-Bertrand Aristide.

They welcomed the very purposive course of action to this end initiated and being pursued by the Organization of American States and were most pleased that two CARICOM member States have had the opportunity of participating in the OAS mission to Haiti.

They expressed their full support for this OAS process and, in particular, the maintenance of contact between the OAS mission and the leaders of the Haitian military towards the achievement of the unwavering objective of the restoration of the authority of President Jean-Bertrand Aristide as President of Haiti. In that connection, they looked forward with confidence to the United Nations giving firm support to the OAS efforts.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/586
22 October 1991
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

Forty-sixth session
Agenda item 35

THE SITUATION IN THE MIDDLE EAST

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted pursuant to resolution 45/83 of 13 December 1990 in order to inform the General Assembly of the steps taken by the Secretary-General to fulfil the requests addressed to him in that resolution to report on various aspects of the item entitled "The situation in the Middle East".

2. In paragraph 15 of resolution 45/83 A, the General Assembly requested the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the Assembly at its forty-sixth session a comprehensive report covering the developments in the Middle East in all their aspects. That report will be submitted separately as a document of the General Assembly and the Security Council.

3. In resolution 45/83 B, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, and in resolution 45/83 C, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), the General Assembly called upon all States to adopt a number of measures concerning relations with Israel and called upon the States concerned to abide by the provisions of the relevant United Nations resolutions. In order to fulfil his reporting responsibility under the above-mentioned resolutions, the Secretary-General, on 5 August 1991, addressed notes verbales to the Permanent Representative of Israel and to the Permanent Representatives of the other Member States and requested them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 21 October 1991, two replies had been received, from Trinidad and Tobago and Ukraine. Those replies are reproduced in section II of the present report.

II. REPLIES RECEIVED FROM MEMBER STATES

TRINIDAD AND TOBAGO

[Original: English]

The Permanent Representative of the Republic of Trinidad and Tobago to the United Nations, with reference to the Secretary-General's note of 5 August 1991 (note RES 45/83-GA), has the honour to inform that the Government of Trinidad and Tobago, while maintaining diplomatic relations with Israel and affirming its right to exist, in no way supports through national policy or action activities by Israel aimed at encouraging it to pursue aggressive policies against the Arab countries and the Palestinian people.

UKRAINE

[Original: Russian]

1. Ukraine supported resolution 45/83, entitled "The situation in the Middle East", when it was considered at the forty-fifth session of the General Assembly and takes its relevant provisions into account in its foreign policy activities.

2. A peaceful settlement in the Middle East is, in present conditions, one of the most important problems requiring solution without delay. Ukraine takes the view that the basis of the Middle East problem is the Arab-Israeli conflict and the long-standing illegal occupation of Arab territories by Israel. The heart of the conflict was and is the unsolved problem of Palestine.

3. The situation is aggravated by the actions of the Israeli authorities in the occupied territories, which result in violations of the norms and principles of international law, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. Israel's efforts to suppress the intifadah, the peaceful mass movement of Palestinians in defence of their national rights, and its policy of colonizing the lands that it has seized by building Israeli settlements there, are causes for grave concern.

4. Ukraine is convinced that the interests of a comprehensive Middle East settlement that would guarantee lasting peace and security to all the countries and peoples of the region require Israel to renounce those policies and practices, an end to its occupation of Arab territories, and the creation of conditions in which the Palestinian people can freely enjoy their legitimate right to self-determination. Security Council resolutions 242 (1967) and 338 (1973) provide a reliable foundation for a peaceful solution to the whole problem.

5. These fundamental considerations have been the basis of Ukraine's activities as a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. They establish the political line followed by the representatives of Ukraine when taking part, now and in years gone by, in the United Nations European regional seminar on the problem of Palestine, trying thus to make their contribution to mobilizing public opinion for a just solution of the Middle East problem as speedily as possible.

6. In advocating a durable peace in the Middle East based on strict observance of the standards and principles of international law, Ukraine also proceeds from the fact that achievement of this aim would give it and other States the possibility of developing mutually advantageous cooperation with all the countries of the region. At the same time, the Ukrainian State cannot fail to be concerned for the fate of thousands of its citizens who have emigrated to live in Israel in recent years, the more so because they are sometimes sent by the Israeli authorities to settle in the occupied Arab territories. It is essential to put an end to this practice, which has been condemned by resolutions of the Security Council and General Assembly.

7. Thanks to the active efforts of the United Nations and the whole international community, a broad international consensus has formed in recent years on the necessity for a Middle East peace conference. This prepared fertile soil for the concerted actions undertaken recently by the Union of Soviet Socialist Republics and the United States of America, as a result of which a possibility of breaking the deadlock in the process of achieving a Middle East settlement has appeared.

8. Ukraine welcomes the initiative taken by the Soviet Union and the United States and their agreement to make efforts to convene a Middle East peace conference in October 1991. The flexibility and realism shown among Arab countries in their approach to this forum and a certain evolution in Israel's position inspire hope. The barrier of irreconcilable hostility that sometimes seemed insuperable has thus been lowered and the number of problems that were a source of serious disagreements between the parties has diminished.

9. At the same time, the continuing process of preparing for the conference will still require great efforts. An important part in the forthcoming conference must belong to the United Nations, in which the legal foundation for a Middle East peace settlement was formulated and which disposes of a great capacity and the necessary diplomatic apparatus to conduct the talks.

10. Ukraine believes that an important condition for moving the negotiating process forward is that it should be comprehensive in nature, that it should take account of the interests of all the parties involved in the conflict and that those parties should take a direct part in the conference. In this connection, Ukraine attaches great importance to finding appropriate ways of safeguarding the interests of the Palestinian people at the conference, and to their representatives having the opportunity to take direct part in the conference.

11. On the basis that the path to a comprehensive Middle East settlement passes through the collective efforts of States, Ukraine considers that the countries of the European Community should be assured an appropriate role.

12. Now that there are clear signs of progress, opening up real prospects of settling the protracted, potentially explosive Middle East conflict, the international community must make the greatest possible effort to accelerate this process, to make it irreversible and to ensure a successful solution of the problem.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/587
22 October 1991
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

Forty-sixth session
Agenda items 68, 78, 82, 94, 99
and 129

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

OPERATIONAL ACTIVITIES FOR DEVELOPMENT

SOCIAL DEVELOPMENT

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FOURTH SESSION

Letter dated 21 October 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of the Law "On the Succession of Ukraine" passed by the Verkhovna Rada (Parliament) of Ukraine on 22 September 1991 (see annex).

I request that you circulate the present letter and its annex as an official document of the General Assembly under agenda items 68, 78, 82, 94, 99 and 129.

(Signed) Guennadi I. OUDOVENKO
Ambassador
Permanent Representative of
Ukraine to the United Nations

ANNEX

Law on the succession of Ukraine of 22 September 1991

Article 1. From the moment of the proclamation of the Declaration of Independence of Ukraine, the highest organ of State power of Ukraine shall be the Supreme Soviet of Ukraine which shall be composed of the deputies to the Supreme Soviet of the Ukrainian Soviet Socialist Republic.

Article 2. Until the adoption of a new Constitution of Ukraine, the Constitution (Basic Law) of the Ukrainian Soviet Socialist Republic shall be in force in the territory of Ukraine.

Article 3. The laws of the Ukrainian Soviet Socialist Republic and other acts adopted by the Supreme Soviet of the Ukrainian Soviet Socialist Republic shall be in force in the territory of Ukraine as long as they do not contravene the laws of Ukraine adopted after the Declaration of Independence of Ukraine.

Article 4. The organs of State power and administration, the organs of the Procurator's Office and the courts and arbitration tribunals established on the basis of the Constitution (Basic Law) of the Ukrainian Soviet Socialist Republic shall be in force in Ukraine until the organs of State power and administration, the organs of the Procurator's Office, and the courts and arbitration tribunals are established on the basis of the new Constitution of Ukraine.

Article 5. The State frontier of the Union of Soviet Socialist Republics separating the territory of Ukraine from other States, and the frontier between the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic, the Russian Soviet Federative Socialist Republic and the Republic of Moldova as it existed on 16 July 1990 shall constitute the State frontier of Ukraine.

Article 6. Ukraine reaffirms its obligations under international treaties concluded by the Ukrainian Soviet Socialist Republic before the Declaration of Independence of Ukraine.

Article 7. Ukraine shall be the successor to the rights and obligations under international treaties concluded by the Union of Soviet Socialist Republics, in so far as those rights and obligations do not conflict with the Constitution of Ukraine and the interests of the Republic.

Article 8. Ukraine agrees to service the external debt of the Union of Soviet Socialist Republics as at 16 July 1990 in the proportion determined by a separate inter-State agreement.

Ukraine shall not be liable in respect of any loan contracts or agreements concluded by the Union of Soviet Socialist Republics after 1 July 1991 without the consent of Ukraine.

Article 9. All citizens of the Union of Soviet Socialist Republics who were permanent residents in the territory of Ukraine at the time of the Declaration of Independence of Ukraine shall be citizens of Ukraine.

Ukraine undertakes to protect the human rights of every citizen of Ukraine, regardless of nationality or other characteristics, in accordance with international legal instruments on human rights.

The procedures relating to the retention, acquisition or loss of Ukrainian citizenship shall be regulated by the law on citizenship of Ukraine.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/588
23 October 1991
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Forty-sixth session
Agenda item 30

COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF AFRICAN UNITY

Letter dated 22 October 1991 from the Permanent Representative of the Netherlands to the United Nations addrssed to the Secretary-General

I have the honour to transmit the text, in English and French, of a statement of the European Community and its member States on Zaire, issued on 21 October 1991 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under agenda item 30.

(Signed) Robert J. VAN SCHAIK
Ambassador
Permanent Representative

ANNEX

Statement on Zaire issued by the European Community and its member States on 21 October 1991

The Community and its member States note with satisfaction the formation of a Government of consensus, and they hope it will end the political impasse Zaire has faced over the past weeks.

The Community and its member States encourage the new Government to pursue in a constructive spirit the process of democratization in Zaire and to take the necessary measures to redress the economic situation in the country.

The Community and its member States repeat their view that only in this way a fundamental contribution to the improvement of the living conditions of the people of Zaire can be made.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/589
23 October 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 19

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Question of Western Sahara

Report of the Secretary-General

1. At its forty-fifth session, on 20 November 1990, the General Assembly adopted, without a vote, resolution 45/21 which reads as follows:

"The General Assembly,

"Having considered in depth the question of Western Sahara,

"Recalling the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution 44/88 of 11 December 1989,

"Recalling resolution AHG/Res.104 (XIX) on Western Sahara, 1/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

---

1/ For the text, see General Assembly resolution 38/40, para. 1.

"Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the joint proposals of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in cooperation with the Organization of African Unity,

"Recalling further Security Council resolution 621 (1988) of 20 September 1988 concerning the question of Western Sahara,

"Noting with satisfaction the appointment on 19 January 1990 of Mr. Johannes Manz as Special Representative of the Secretary-General for Western Sahara,

"Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 2/

"Having also examined the report of the Secretary-General, 3/

"Reiterating its support for the joint good offices process initiated in New York on 9 April 1986 by the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to promoting a just and definitive solution of the question of Western Sahara, in accordance with resolution AHG/Res.104 (XIX) and General Assembly resolution 40/50 of 2 December 1985,

"1. Takes note with appreciation of the report of the Secretary-General;

"2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

"3. Welcomes with satisfaction the report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara, 4/ which was unanimously approved by the Council in its resolution 658 (1990) of 27 June 1990;

2/ A/45/23 (Part VI) and (Part VI)/Corr.1, chap. IX.

3/ A/45/644 and Corr.1.

4/ S/21360.

"4. Notes with appreciation the dispatching to Western Sahara and to neighbouring countries of the technical mission in order to refine the administrative aspects of the outlined plan 5/ and to obtain the necessary information for the preparation of a further report of the Secretary-General to the Security Council containing, in particular, an estimate of the cost of the United Nations Mission for the Referendum in Western Sahara;

"5. Expresses its full support for the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

"6. Urges the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to continue and intensify their efforts with a view to resolving the remaining problems and thus to fulfil the necessary conditions for the holding of a referendum for self-determination of the people of Western Sahara, without any administrative or military constraints, organized and supervised by the United Nations in cooperation with the Organization of African Unity;

"7. Reaffirms its conviction that the direct dialogue between the two parties to the conflict could contribute to the completion of the joint good offices process of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara and to stability and security in the whole region;

"8. Appeals once again to the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to display the cooperation and the political good will necessary for the completion of the peace process with a view to a speedy settlement of the question of Western Sahara;

"9. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its forty-sixth session;

"10. Invites the Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the decisions of the Organization of African Unity relating to Western Sahara;

5/ Ibid., part II.

"11. Invites the Secretary-General to follow the situation in Western Sahara closely with a view to the implementation of the present resolution and to report thereon to the General Assembly at its forty-sixth session."

2. The present report, which covers the period from 13 October 1990 to 23 October 1991, is submitted in pursuance with paragraph 11 of the above resolution.

3. The Secretary-General has pursued his mission of good offices jointly with the current Chairman of the Organization of African Unity (OAU) on the question of Western Sahara.

4. On 26 February 1991, the Secretary-General met in New York with Mr. Bachir Mustapha Sayed, representative of the Frente Popular para la Liberación de Saguia el-Hamira y de Río de Oro (Frente POLISARIO). The meeting took place in the context of the Secretary-General's consultations in preparation for his report to the Security Council on Western Sahara 1/ in pursuance of paragraph 5 of the Council's resolution 658 (1990) of 27 June 1990.

5. The Secretary-General submitted to the Security Council in April 1991 his report concerning the situation in Western Sahara, requested by the Council in its resolution 658 (1990). The report addressed each of the main elements of the implementation plan contained in his report of 18 June 1990 2/ and provided further details about the personnel and financial requirements of the United Nations Mission for the Referendum in Western Sahara (MINURSO). After outlining the proposed timetable and plan of action, the Secretary-General recommended that the Security Council decide to authorize the establishment of MINURSO and that the transitional period should begin on a date approximately 16 weeks after the General Assembly approved the MINURSO budget.

6. On 29 April 1991, the Security Council uanimously adopted resolution 690 (1991), in which, inter alia, it expressed full support for the efforts of the Secretary-General for the organization and the supervision, by the United Nations in cooperation with OAU, of a referendum for self-determination of the people of Western Sahara and called upon Morocco and the Frente POLISARIO to cooperate fully with the Secretary-General in the implementation of his plan. By the same resolution, the Security Council also decided to establish, under its authority, a United Nations Mission for the Referendum in Western Sahara and decided that the transitional period would begin no later than 16 weeks after the General Assembly approved the budget for the Mission.

7. The Secretary-General visited Morocco and Algeria in late May 1991 where he had an opportunity to discuss with leaders of the two countries as well as the Frente POLISARIO the implementation of the Plan approved by the Security Council.

8. At the twenty-seventh ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity, at Abuja, Nigeria on 3 June 1991, the Secretary-General met with President Ibrahim Babangida of Nigeria, current Chairman of OAU, to discuss issues of common concern, including the question of Western Sahara. The Secretary-General also held consultation with Mr. Salim Ahmed Salim, Secretary-General of OAU.

9. In his opening statement to the Pledging Conference for the Repatriation Programme for Western Sahara held at Geneva on 13 June 1991, the Secretary-General reaffirmed that the repatriation programme to be carried out by the Office of the United Nations High Commissioner for Refugees was "an essential political element in the settlement proposals, without which a fair and impartial referendum could not take place".

10. In a letter dated 21 June 1991 addressed to the President of the Security Council, 3/ the Secretary-General proposed to appoint Major-General Armand Roy of Canada as Force Commander of the Military Unit of MINURSO. The President of the Council informed the Secretary-General on 24 June 1991 that the Security Council approved his proposal. 4/

11. In a letter dated 3 July 1991 addressed to the President of the Security Council, 5/ the Secretary-General proposed that, having completed his consultations with the parties concerned, the following States contribute contingents to the Military Unit of the Mission: Argentina, Australia, Austria, Bangladesh, Bulgaria, Canada, China, Congo, Czechoslovakia, Egypt, Finland, France, Ghana, Greece, Guinea, Honduras, India, Indonesia, Ireland, Italy, Kenya, Malaysia, Nepal, Nigeria, Pakistan, Peru, Poland, Singapore, Switzerland, Togo, Tunisia, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

12. The President of the Security Council informed the Secretary-General in a letter dated 9 July 1991 6/ that the members of the Council agreed with his proposal concerning the composition of the Military Unit of MINURSO.

13. On 24 May 1991, the Secretary-General addressed identical letters to Morocco and Frente POLISARIO proposing a specific date and hour for the formal cease-fire to begin. In letters dated 11 June 1991 and 10 June 1991, respectively, Morocco and the Frente POLISARIO informed the Secretary-General of their acceptance of his proposal that the formal cease-fire begin at 0600 GMT on 6 September 1991. 7/

14. On 9 August 1991, the Secretary-General issued a statement in which he expressed deep concern regarding developments and the military action that had occurred in Western Sahara. In light of the undertakings by both parties to refrain from any act that might lead to hostilities prior to the formal cease-fire on 6 September, to which both sides had agreed, the Secretary-General appealed to all concerned to refrain from any action which would endanger the implementation of MINURSO or jeopardize the truce which had hitherto existed.

15. Following the reports of resumed military operations in Western Sahara, the Secretary-General also stated at Geneva on 27 August 1991 that he had met with representatives of Morocco and Frente POLISARIO and that he was confident that it would be possible to bring the cease-fire into effect on 6 September 1991 with the cooperation of the parties. The Secretary-General further said that as soon as the cease-fire came into effect, the United Nations would have a presence in Western Sahara and would be in a position to gather its own information on developments in the Territory.

16. On 3 September 1991, the Secretary-General transmitted a note to the President of the Security Council 8/ regarding the implementation of the cease-fire in Western Sahara. In the note, the Secretary-General stated that he intended to deploy, as of 6 September 1991, military observers to verify the cease-fire and the cessation of hostilities in 10 observation posts selected in the wake of recent developments along the international frontier. He said that staff deployed in this specific context would consist of 240 persons, including about 100 military.

17. In his reply to the Secretary-General, the President of the Security Council stated on 4 September 1991 that the members of the Council endorsed his action and continued to support his efforts. 9/

18. Following his letter of 3 September 1991, 8/ the Secretary-General informed the President of the Security Council on 13 September 1991 10/ that in the context of the deployment of military observers to verify the cease-fire and the cessation of hostilities in the areas referred to in his earlier note, he had decided to deploy about 100 additional military observers and the staff necessary for command and control functions, logistical support, communications, air transport and medical support. On 17 September 1991, the President of the Security Council 11/ informed the Secretary-General that the members of the Council endorsed his action.

19. The Secretary-General has maintained close contact with the Chairman of OAU on developments relating to the question of Western Sahara. He has also remained in regular contact with the two parties either personally or through his senior aides in order to expedite the implementation of Security Council resolution 690 (1991) of 29 April 1991.

20. Since the adoption of Security Council resolution 690 (1991), MINURSO, which consists of civilian, security and military units, has been established to assist the Special Representative with matters relating to the referendum, including its organization and conduct; the Identification Commission has also commenced its work; and the formal cease-fire between Morocco and Frente POLISARIO came into effect on 6 September 1991.

21. The Secretary-General met with President Ibrahim Babangida of Nigeria and current Chairman of the OAU, in New York on 4 October 1991. During the meeting, they exchanged views on various important international questions of concern to the OAU and the United Nations, including the question of Western Sahara. He also met with the Secretary-General of OAU on 8 October 1991.

OBSERVATIONS

22. In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, the Secretary-General notified the forty-sixth session of the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council and of matters with which the Council has ceased to deal (A/46/479). Included among the matters relative to the maintenance of international peace and security that have been discussed by the Security Council during the period since the notification to the forty-fifth session of the Assembly was "The situation concerning Western Sahara".

23. As is evident from the present report, the Security Council currently continues to exercise in respect of the situation concerning Western Sahara functions assigned to it in the Charter of the United Nations.

24. In accordance with the mandate entrusted to him by the Security Council, the Secretary-General intends to submit a progress report to the Security Council on the implementation of the Plan approved by the Security Council which will contain detailed information regarding developments since his last report to the Council on the question.

Notes

1/ S/22464 and Corr.1

2/ S/21360.

3/ S/22734.

4/ S/22735.

5/ S/22771.

6/ S/22772.

7/ See S/22779.

8/ S/23008.

9/ S/23009.

10/ S/23043.

11/ S/23044.